effect in a subject using these compounds (claims 19 and 20); and to a pharmaceutical composition suitable for treating hormone-dependent tumors comprising an effective amount of the compound (claim 23). Support for claims 25 and 26 can be found in the specification disclosure in the description on page 48, line 20, to page 49, line 6.

The claims of the application as amended herein are believed to be patentable under 35 USC 102 and 35 USC 103 over the teachings of the prior art and, particularly, over the disclosure of Allen et al, USP 2,914,563. The declarations of Nieminen and Kangas submitted under 37 CFR 1.132 with the response filed June 24, 1985, in parent application Serial No. 497,813 rebut any prima facie obviousness supported by the teachings of the prior art and demonstrate the patentability of the claims of the present application. Copies of the Nieminen and Kangas declarations are being submitted herewith for the convenience of the Examiner.

The Nieminen and Kangas declarations compare the compound of the present application, 4-chloro-1,2-diphenyl-1-[4-[2-(N,N-dimethylamino)ethoxy]phenyl]-1-butene identified as compound 7 (refer to page 28 of the specification disclosure) and the compound of Example 3 (identified as clomifene) of the Allen et al reference. In the final rejection dated August 30, 1985, in the parent application, the comparison of the declarations was criticized as not being a comparison with the closest compounds. It is respectfully submitted that the criticisms stated in the final rejection do not apply to the

claims of the application as amended and that the declarations present a proper comparison.

The compounds of Example Nos. 1 and 3 of the Allen et al reference are those which are structurally closest related to the compounds recited in the claims of the application and, more particularly, to Compound No. 7 of the application (hereinafter referred to as toremifene). Clomifene differs from toremifene in respect of the ethyl groups attached to the N-atom. The compound of Example No. 1, however, differs from toremifene in respect of the methoxy-substitution in the 2-phenyl. Of course, both of the prior art compounds differ from toremifene in respect of the missing ethylene chain between the halogen and the double-bonded carbon atom. Attached as an exhibit to this paper is a chart showing the structure of the compound of the examples of the Allen et al reference. Notwithstanding the difference with respect to the groups attached to the N-atom, therefore, clomifene is believed to be structurally closer to the compounds of the present invention than the compound of Example No. 1.

Furthermore, clomifene is believed to be the best comparison because this compound is a commercialized drug marketed worldwide (e.g., in the USA under the trade names CLOMID and SEROPHENE). A literature search was made to determine if any literature existed disclosing therapeutical data of compounds Nos. 1 and 2 of the Allen et al reference. The search covered Chemical Abstracts from 1945 to 1985. The only reference located was the Allen et al reference. The

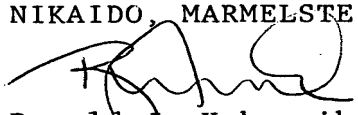
fact that clomifene is a commercial drug marketed worldwide is evidence that, of the compounds described in the examples of the Allen et al reference, it has the best combination of properties. Therefore, the differences between the properties of toremifene and clomifene as shown in the Nieminen and Kangas declarations would be expected to be at least as great with respect to the other compounds described in the examples of the Allen et al reference.

For the above reasons, the claims remaining in the application, i.e., claims 9, 13, 19, 20 and 23-26, are believed to be patentable under 35 USC 102 and 35 USC 103. A notice of the allowability of these claims is believed to be in order and is respectfully solicited.

In the event any fees are required, please charge our Deposit Account No. 01-2395.

Respectfully submitted,

ARMSTRONG, NIKAIDO, MARMELSTEIN & KUBOVCIK



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